Office - Supreme Court, U.S.
FILED
OCT 31 1981

NOS. 80-1538 and 80-1934

IN THE

Supreme Court of the United States

OCTOBER TERM, 1980

JAMES PLYLER, ET AL.,
Appellants

v.

J. AND R. DOE, AS GUARDIAN AD LITEM FOR I. DOE, ET AL.

IN RE: ALIEN CHILDREN EDUCATION LITIGATION STATE OF TEXAS AND TEXAS EDUCATION AGENCY,
Appellants

v.

CERTAIN NAMED AND UNNAMED UNDOCUMENTED ALIEN CHILDREN
Appellees

On Appeals From The United States Court Of Appeals For The Fifth Circuit

BRIEF FOR THE MEXICAN AMERICAN BAR ASSOCIATION OF HOUSTON AS AMICUS CURIAE

MICHAEL K. SUAREZ
JOSEFINA MUNIZ RENDON
119 E. 20th Street
Houston, Texas 77008
Telephone: (713) 869-3685
Attorneys for Amicus Curiae

Alpha Law Brief Co., One Main Plaza, No. 1 Main St., Houston, Texas 77002

TABLE OF CONTENTS

	Page
INTEREST OF AMICUS CURIAE	1
ISSUES PRESENTED	2
SUMMARY OF ARGUMENT	3
ARGUMENT	4
I. The poorly educated experience more social problems than the better educated	4
A. Socialization	5
B. Occupational Attainment	6
C. Income	7
D. Drug and Alcohol Abuse	8
E. Adult Incarceration and Juvenile Delinquency	9
F. Mental Retardation	9
G. Mortality	10
H. Fertility	10
II. It is beneficial for the State of Texas to educate the undocumented children within its borders.	11
A. Mexican children are often here to stay	11
B. Mexican nationals have brought economic benefits to Texas	13
C. It is highly undesirable to have an uneducated class	14
D. Foreign policy considerations require the decent treatment of Mexican nationals in the United States	15
CONCLUSION	18

TABLE OF AUTHORITIES

CASES

	Page
In re Alien Children Education Litigation, 501 F.Supp. 544, 558 (S.D. Tex. 1980)	12
Ruiz v. Estelle, Civil Action No. H-78-987, Memorandum Op. at 3 (S.D. Tex. Dec. 10, 1980)	9

OTHER AUTHORITIES

Baran, Paul A., *The Political Economy of Growth* (1962)	13
Cornelius, Wayne A., "Mexican Migration to the United States: Causes, Consequences, and U.S. Responses," Center for International Studies, M.I.T. (1978)	12, 13, 15
Edwards, Richard C., Reich, Michael & Gordon, David M. (eds.), *Labor Market Segementation* (1975)	6
Einstein, Stanley, "The Addiction Dilemma: Gaps in Knowledge, Information Dissemination Service and Training," in Thomas, Charles C. (ed.), *Drugs and Youth* (1968)	8, 9
Eitzen, D. Stanley, *In Conflict and Order* (1978)	5
Fagan, Richard R., "The Realities of U.S.-Mexican Relations," *Foreign Affairs*, Vol. 12, No. 2 (1977)	15, 16
Galarza, Ernesto, *Merchant of Labor* (1964)	13
Gerth, H. H. & Mills, C. Wright (eds.), *From Max Weber: Essays in Sociology* (1958)	4
Hyman, Herbert H., Wright, Charles R., & Reed, John Shelton, *The Enduring Effects of Education* (1975)	4
Keser, Clyde V., Grabill, Wilson H. & Campbell, Arthur A., *Trends and Variations In Fertility In the United States* (1968)	11
Mathis, Evelyn S., "Socioeconomics Characteristics of Deceased Persons," National Center for Health Statistics, Series 22, No. 9, Table A (1969)	10
National Center for Education Statistics, *Digest of Education Statistics*, Table 179 (1980)	7
Samora, Julian, *Los Mojados: The Wetback Story* (1971)	16
Samuels, S. C., *Enhancing Self Concept In Early Childhood* (1977)	6
Select Commission on Immigration and Refugee Policy, *U.S. Immigration Policy and the National Interest* (1981)	17
Shepard, John M., *Sociology*, Ch. 12 (1981)	6, 7

Page

Stockwell, Edward G., Wicks, Jerry W. & Adamchak, Donald J., "Research Needed on Socioeconomics Differentials in U.S. Mortality," *Public Health Reports*, Vol. 93 (1978) 10

Susman, J. (ed.), *Drug Use and Social Policy* (1972) 14

Travel Market Yearbook, 1976/77 (1977) 15

U.S. Bureau of the Census, Current Population Reports, Series P-20, No. 226, "Fertility Variations By Ethnic Origins" (1971) 10

U.S. Bureau of the Census, Current Population Reports, Series P.20 No. 354, Person of Spanish Origin in the United States: March 1979 (1980) 14

U.S. Bureau of the Census, *Statistical Abstracts of the United States* (1980) 16

U.S. Bureau of the Census, *Statistical Abstract* (1977) 14

U.S. Bureau of Economic Analysis, "Survey of Current Business," (August, 1980) 15

U.S. Department of Labor, Bureau of Labor Statistics, *Educational Attainment of Workers*, Special Labor Force Report 209 (1977) 7

U.S. Department of Justice, Bureau of Justice Statistics, "Profile of Jail Inmates: Sociodemographic Findings from the 1978 Survey of Inmates of Local Jails," Table 6.9 (1980) 9

U.S. General Accounting Office, Report of the Congress by the Comptroller General of the U.S. (1980) 12

U.S. House of Representatives, 95th Congress, 2nd Session (1978), Hearing on Undocumented Aliens, February 24, 1978, before tthe Subcommittee on the Department of State, Justice and Commerce 13

Weinberg, Martin S. & Williams, Colin J., "Sexual Embourgeoisment? Social Class and Sexual Activity: 1938-1970," *American Sociological Review*, Vol. 45 (1980) 11

Wieldeman, G. H. (ed.), *Personality Development and Deviation: A Textbook for Social Work* (1975) 9

NOS. 80-1538 and 80-1934

IN THE

Supreme Court of the United States

OCTOBER TERM, 1980

JAMES PLYLER, ET AL.,
Appellants

v.

J. AND R. DOE, AS GUARDIAN AD LITEM FOR I. DOE, ET AL.

IN RE: ALIEN CHILDREN EDUCATION LITIGATION STATE OF TEXAS AND TEXAS EDUCATION AGENCY,
Appellants

v.

CERTAIN NAMED AND UNNAMED UNDOCUMENTED ALIEN CHILDREN
Appellees

On Appeals From The United States Court Of Appeals For The Fifth Circuit

BRIEF FOR THE MEXICAN AMERICAN BAR ASSOCIATION OF HOUSTON AS AMICUS CURIAE

INTERESTS OF AMICUS CURIAE*

The Mexican American Bar Association of Houston (MABAH) is a Texas Non-Profit Corporation organized

* The letters of Appellants and Appellees, consenting to the filing of this brief amicus curiae, have been filed with the clerk.

for the purposes, among others, of protecting the legal interests of the public in general and particularly those of Mexican Americans, and providing for an improved implementation and strengthening of the administration of justice. MABAH is a professional organization composed mostly of Hispanic attorneys and judges from the Greater Houston Area. Founded in 1972, MABAH has been consulted by the State Bar of Texas, by the Texas Young Lawyers Association, and by the Houston Bar Association on issues of concern to the Houston area Hispanic community. In addition, MABAH has been instrumental in protecting the Spanish-speaking community by offering comments to the Texas Legislature which legislated to control abuse by notaries public and to improve the quality of interpreters.**

ISSUES PRESENTED

AMICUS CURIAE requested a sociologist*** to make a study on the following issues:

1. Whether there is any correlation between education and an individual's performance in the society in which he/she lives.
2. Whether it is to the advantage of Texas specifically and the United States generally to educate the undocumented children in Texas.

** The undersigned, Michael K. Suarez, extends his gratitude to the MABAH membership, to his colleagues on the Executive Board (Lupe Salinas, Ellis Barrera, Arturo Ramirez, Beatriz Q. Gonzalez, and A. Robert Hinojosa), and especially Josefina Muniz Rendon for their support in the preparation of this brief.

*** The study was conducted by Dr. Tatcho Mindiola, B.B.A., University of Houstson, 1967; M.A., Sociology, University of Houston, 1970; Ph.D., Brown University, 1977. Dr. Mindiola is a Professor of Sociology and the Director of the University of Houston's Mexican-American Studies Program.

SUMMARY OF ARGUMENT

As a result of a study conducted on behalf of the Mexican-American Bar Association of Houston (MAB AH), the following conclusions were reached:

First, there is a close correlation between a person's educational level and his or her status and performance in society. Such correlation was found to exist between education and degree of socialization, occupational attainment, income, drug abuse, alcohol abuse, adult incarceration, juvenile delinquency, mental retardation, mortality and fertility. In brief, the poorly educated experience more social problems than the better educated.

Second, it is beneficial for American society in general and for the State of Texas in particular to educate the undocumented children within its borders. A substantial number of Mexican nationals and other undocumented aliens are in this country to stay, and their education or lack thereof will not significantly affect their decision to remain in the United States. Furthermore, Mexican nationals and other immigrants have brought significant economic benefits to this country. Apart from, but in addition to, Fourteenth Amendment arguments extensively covered by appellees, fundamental fairness implies that since the United States economy benefits from undocumented workers, the United States and Texas should assume responsibility for basic services, such as education, to these people.

The study on the correlation between education and performance in society also reached the conclusion that if in fact these children are here to stay, it would be undesirable, harmful and expensive to the government to have such a large uneducated, unassimilated class living

in this country. Finally, the study concludes that the decent treatment of Mexican nationals is beneficial to United States' relations with Mexico and other countries in the Western Hemisphere. United States-Mexico relations, and Western Hemisphere relations are significantly intertwined and interdependent. The proper treatment of the children of those undocumented workers, such as not effectively excluding them from an education, is essential to our national interest in maintaining our close friendship with Mexico and the other countries in the Western Hemisphere.

ARGUMENT

I. THE POORLY EDUCATED EXPERIENCE MORE SOCIAL PROBLEMS THAN THE BETTER EDUCATED.

The information which follows concerns itself with education and its effect on life chances. The term "life chances" refers to the opportunity that a person has for the better things in life,[1] i.e., a standard of living which frees the individual from the worries of having adequate food, clothing and shelter and which gives the individual the opportunity to develop his or her emotional, psychological and intellectual potential. Education is signaled out not only because it is one of the most powerful predictors of life chances[2] but also because there is an effort to deny children of undocumented workers the opportunity for an education, thus limiting their life chances. If this effort succeeds, society can expect to experience an increase in

1. Gerth, H. H. & Mills, C. Wright (eds.), *From Max Weber: Essays in Sociology* (1958).

2. Hyman, Herbert H., Wright, Charles R., & Reed, John Shelton *The Enduring Effects of Education* (1975).

the social problems which are discussed below. The public can also expect to spend more in order to deal with the increase in those who are affected by social problems. The discussion centers on the role of the schools in the socialization process, the link between education, occupation and income, and the correlation that education has to drug abuse, alcoholism, mental retardation, the number of people in prison, welfare, mortality, fertility and juvenile delinquency.

A. Socialization

Next to the family, schools are society's principal agents of socialization.[3] In many respects schools are more important than the family as mechanisms of socialization since a student spends more time in school during the formative years than he does with his family. In addition, schools are more formal and repetitive in their transmission of the values, norms and beliefs which promote and form the basis for an orderly society.[4] It is in the schools where students learn the American ideals of competition, individualism, freedom of speech, religion and the concepts of democracy, justice, liberty, and equality. It is also in the schools where patriotism and loyalty to country are learned. Schools also teach students the verbal, mathematical and writing skills needed in order to function in modern society, thus preparing them to assume occupational roles in the economy. These institutions also play a large role in helping develop healthy psychological states of mind, such as positive feelings about their bodies, their social selves and their cognitive selves. These positive feelings are in turn related to higher academic achieve-

3. Eitzen, D. Stanley, *In Conflict and Order* 108 (1978).

4. *Id.* at 109.

ment, creativity, curiosity, and greater independence.[6] There is no other social institution which performs these vital functions. Consequently, the experiences individuals gain in school are quite invaluable.

Children who do not attend school or who drop out of school prematurely have a greater risk of having a poorly developed value system, of being functionally illiterate, and of lacking occupational skills which permit upward social mobility. Children who are poorly educated have a greater probability of developing a negative self concept and of becoming adults who lack initiative, are dependent on others and who develop withdrawal or hostile and aggressive behavior towards society.[8] In general, poorly educated people cannot adequately assume the responsibilities of adulthood.

B. Occupation

The number of years of education a person has is directly related to the kind of occupation that person can obtain. The lower the educational attainment level of a person the lower his occupational status.[7] Poorly educated people normally have occupations which are unskilled or semi-skilled in nature. The majority of these jobs, which are found in the secondary sector of the economy, are characterized by low wages, poor benefits, lower rates of unionization, underemployment, an absence of upward mobility, and high rates of employee turnover.[8]

---

5. Samuels, S. C., *Enhancing Self Concept In Early Childhood* at 175 (1977).

6. *Id.* at 182.

7. Shepard, John M., *Sociology*, Ch. 12 (1981).

8. Edwards, Richard C., Reich, Michael & Gordon, David M. (eds.), *Labor Market Segmentation* (1975).

In comparison, people who are college educated hold high status occupations which provide good pay, adequate benefits and the opportunity for advancement. In 1978 approximately 53 percent of the population holding unskilled or semi-skilled jobs had between 0-8 years of education while only 12.1 percent of the population with 0-8 years education were in a high status occupation.[9] The relationship between education and occupational status is so well established that it has become a truism that poorly educated people cannot obtain good occupations.

The level of educational attainment also affects the chances for finding a job. The poorly educated classes in society always have higher rates of unemployment. In 1977, for example, 19.5 percent of the population who had completed between 0-8 years of education were unemployed. This is in comparison to only 3.2 percent of the population with four years or more of college.[10]

C. Income

Since education has a direct relationship to occupational status, then it should not be surprising that education is also directly correlated to one's income. In 1977 persons who had eight or less years of education averaged $4,902; those with a college education averaged $20,222.[11] The effects of a poor education upon income is also cumulative over time. In 1972, for example, persons with less than eight years of education earned $279,977

9. Shepard, *supra*, note 7, at 301.

10. U.S. Department of Labor, Bureau of Labor Statistics, *Educational Attainment of Workers*, Special Labor Force Report 209 (1977).

11. National Center for Education Statistics, *Digest of Education Statistics*, Table 179 (1980).

over their lifetime. Persons with a college education earned $710,569 in their lifetime.[12] In other words, over their lifetime, the poorly educated earn only one-third of the amount earned by the college educated.

The importance of income cannot be overstated. Income determines whether a person rents or buys a home as well as the quality of the housing a person can afford. It also affects how a family eats and dresses and whether medical and dental care can be obtained. In addition, income determines the quality of opportunities which can be passed on to one's children. In sum, the amount of income earned affects the total standard of living and places the poorly educated at a clear disadvantage.

D. Drug and Alcohol Abuse

The poorly educated Americans suffer from a higher incidence of drug abuse of all kinds. Addicts to heroin, barbiturates, and inhalants have on the average eight years of education.[13]

There is also a larger percentage of heavy drinkers among the uneducated, especially among the ages 21 to 39. In 1972, approximately 63 percent of males between these ages who were classified as heavy drinkers were from the lower middle and lower classes and were poorly educated.[14]

One significant aspect of drug abusers and heavy drinkers is their anti-social behavior. They are more apt

12. *Id.*

13. Einstein, Stanley, "The Addiction Dilemma: Gaps In Knowledge, Information Dissemination Service and Training," in Thomas, Charles C. (ed.), *Drugs and Youth* (1968).

14. Susman, J. (ed.), *Drug Use and Social Policy* (1972).

to have a low threshold of frustration and therefore more prone to engage in negative aggressive behavior and to exhibit feelings of hostility toward society.[15]

E. Adult Incarceration and Juvenile Delinquency

The probability of going to jail is also correlated with low levels of education. In 1978 approximately 50 percent of the inmates in local jails had less than ten years of education.[16] What is even more remarkable is that in 1980, of the inmate population at the Texas Department of Corrections, 85 percent did not complete high school, 80 percent had less than a seventh grade education, and 50 percent had less than a fifth grade education.[17]

Juvenile delinquents, i.e., adolescents who commit crimes, are also the products of a poor educational environment since most juvenile delinquents have parents who are not highly educated.[18]

F. Mental Retardation

Low levels of educational attainment are also correlated with lower rates of mental retardation. The frequency of mental retardation among the poorly educated is estimated to be between 10 and 30 percent while the frequency of mental retardation is estimated to be only three percent among the total population.[19] The higher

---

15. Einstein, *supra*, note 13, at 95.

16. U.S. Department of Justice, Bureau of Justice Statistics, "Profile of Jail Inmates: Sociodemographic Finding from the 1978 Survey of Inmates of Local Jails", Table 6.9 (1980).

17. *Ruiz v. Estelle*, Civil Action No. H-78-987, Memorandum Op. at 3 (S.D. Tex. Dec. 10, 1980).

18. Profile of Jail Inmates, *supra*, note 16.

19. Wieldeman, G H. (ed.), *Personality Development and Deviation: A Textbook for Social Work* (1975).

rates of mental retardation are assumed to be a function of other characteristics associated with the uneducated, namely inadequate pre- and post-natal care, poor nutrition among mothers, a higher frequency of birth defects, m illnesses among children, and inadequate medical care in general.[20]

G. Mortality

The rate at which people die is also associated with education. It is estimated, for example, that the death rate for persons with less than an elementary education is more than six times the rate for the college educated.[21] It is also estimated that infant mortality rates are higher among the lesser educated.[22] Furthermore, certain avoidable causes of death are higher among the poorly educated, especially the infectious, parasitic and digestive diseases.[23]

H. Fertility

The poorly educated also have a larger number of children. In 1969 the number of children born per 1,000 women who had less than an elementary education was 2,396 while women who had completed some college education were bearing children at a rate of 1,279.[24] Com-

---

20. *Id.*

21. Mathis, Evelyn S., "Socioeconomic Characteristics of Deceased Persons," National Center for Health Statistics, Series 22, No. 9, Table A (1969).

22. Stockwell, Edward G., Wicks, Jerry W. & Adamchak, Donald J., "Research Needed on Socioeconomics Differentials in U.S. Mortality," *Public Health Reports*, Vol. 93, at 666-72 (1978).

23. *Id.*

24. U.S. Bureau of the Census, Current Population Reports, Series P-20, No. 226, "Fertility Variations By Ethnic Origins" (1971).

paratively, the less educated women were having 1,117 more children.

In addition, in comparison to the better educated, poorly educated people tend to have their first sexual experience at an earlier age and a larger number of sex partners of the opposite sex.[25] The poorly educated also have a higher rate of illegitimate births.[26]

In summary, the poorly educated experience more social problems than the better educated. Since groups or classes tend to perpetuate themselves over time, the probability is high that the offspring of the uneducated will likewise be poorly educated. Consequently, they too will suffer from the same maladies that their parents encountered. In other words, the vicious cycle of social problems continues. This cycle, the evidence suggests, can be broken only if the children of the poorly educated are given an educational opportunity.

II. IT IS BENEFICIAL FOR THE STATE OF TEXAS TO EDUCATE THE UNDOCUMENTED CHILDREN WITHIN ITS BORDERS.

A. Undocumented alien children are generally here to stay.

The denial of an education to Mexican children in the United States can only have long term negative effects. Mexican nationals have been coming to the United States in large numbers ever since the early 1900's. Efforts to

---

25. Weinberg, Martin S. & Williams, Colin J., "Sexual Embourgeoisment? Social Class and Sexual Activity: 1938-1970," *American Sociological Review*, Vol. 45, at 33-48 (1980).

26. Keser, Clyde V., Grabill, Wilson H. & Campbell, Arthur A., *Trends and Variations In Fertility In the United States* (1968).

prevent or slow down immigration from Mexico have largely been unsuccessful.

The United States Comptroller General reported to Congress that the prospects are dim for effectively enforcing the immigration laws, stating that aliens have little chance of being located and deported.[27] After listening to the evidence, the lower courts in the instant cases reached similar conclusions.[28]

The percentage of undocumented immigrants who stay permanently in the United States is small compared to those who return to their home country.[29] However, those who are most likely to stay are those who have family in this country. Once in the United States, their children are more likely to grow up here unless detected by the Immigation and Naturalization Service. The presence of a large Mexican immigrant population in the United States seems to be a certainty. Whether the children and their parents should or should not be here is not the issue before this Court. Since their residence in the United States is a fact, the more important issue is how the United States should deal with immigrant children who conceivably will grow up in the United States and will eventually become resident aliens and American citizens. As adults they will more likely become burdens to the society if they are deliberately denied an education. On the other hand, their chances of becoming productive

27. U.S. General Accounting Office, Report to the Congress by the Comptroller General of the U.S., p. ii (1980).

28. *E.g., In re Alien Children Litigation*, 501 F.Supp. 544, 558 (S.D. Tex. 1980).

29. Cornelius, Wayne A., "Mexican Migration to the United States: Causes, Consequences, and U.S. Responses," Center for International Studies, M.I.T. (1978).

members of the society are increased if they receive the necessary education.

B. Mexican nationals have provided economic benefits to the United States.

The economic contributions of the Mexican population have been enormous. Mexicans helped build and develop the railroads, the mines, and the agricultural industry.[30] Mexicans have worked longer, harder and for less pay than other workers, but they have done so with a dignity that has astounded their employers. The Congressional hearings on immigrant labor are filled with references to the value of Mexican workers and their positive characteristics.[31] Mexican workers are directly involved in producing wealth in the United States in two ways. First, they create more wealth than they receive in the form of wages,[32] and second, as consumers, they help develop the economy.[33]

The essence of the free enterprise system is maximizing profits. One of the ways this is done is by employing labor that is less expensive. This allows employers to take a larger share of wealth in the form of the profits and invest it for expansion and development of the economy. Mexican workers have traditionally been the inexpensive labor which helps set this process in motion.

---

30. Galarza, Ernesto, *Merchant of Labor* (1964).

31. Hearing on Undocumented Aliens, February 24, 1978, before the Subcommittee on the Departments of State, Justice and Commerce, U.S. House of Representatives, 95th Congress, 2nd Session (1978).

32. Baran, Paul A., *The Political Economy of Growth* (1962).

33. Cornelius, *supra*, note 29.

C. It is highly undesirable to have an uneducated class.

The presence of a large undocumented immigrant population in the United States is a certainty, and the prospects for enforcing laws controlling this immigration is next to impossible. Consequently, this Court's decision on the education of these children will be an extremely crucial one.

As stated earlier, there is a significant correlation between education and degree of socialization, occupational attainment, income, drug abuse, alcohol abuse, adult incarceration, juvenile delinquency, mental retardation, mortality and fertility. Federal, state and local governments have spent large amounts of funds on programs which seek to overcome the effects of a low educational achievement.[34]

Furthermore, approximately 20 percent of the Mexican American population in the United States lives in poverty. This is in comparison to only nine percent of the white population.[35] To deny Mexican immigrant children an education can only result in increasing the number of persons of Mexican descent in all of the ills that are associated with poor educational attainment. In addition, since a large majority of the poor in the United States would be Mexicans, efforts to contain the "problems" of the poor can only lead to more racism on the part of members of America's societal mainstream, and more

34. According to U.S. Bureau of the Census, Statistical Abstract (1977), a total amount of $4.6 billion was spent by federal, state, and local governments in 1977 in operating penal institutions.

35. U.S. Bureau of the Census, Current Population Reports, Series P-20, No. 354, Persons of Spanish Origin in the United States: March 1979 (1980).

frustration and potential violence on the part of the Mexican nationals and Mexican-Americans.

On the other hand, providing Mexican immigrant children with the opportunity for an education can only benefit American society. Schooling would prepare them to assume responsible adult roles. Schools still remain the principal institutions of assimilation into the mainstream of American culture. It is in the schools where Mexican children learn English and "American" values, and in the process increase the probability that they will become productive and responsible citizens. There is no better alternative to providing children with an opportunity for an education especially when one considers the negative results that are associated with not having an adequate education.

D. Foreign policy considerations require the decent treatment of Mexican nationals in the United States.

The United States is the single largest investor in Mexico.[36] Mexicans form the largest immigrant labor force in the United States.[37] The United States is depending upon Mexico's oil reserves to ease the demand for energy while Mexico is depending upon American technology to develop its oil reserves.[38] More American citizens visit Mexico than any other country.[39] At the same

---

36. "Survey of Current Business," U.S. Bureau of Economic Analysis (August, 1980).

37. Cornelius, *supra*, note 29.

38. Fagan, Richard R., "The Realities of U.S.-Mexican Relations," *Foreign Affairs*, Vol. 12, No. 2 (1977).

39. *Travel Market Yearbook, 1976/77* at 55 (1977).

time, Mexico exports more commodities to the United States than to any other country.[40] These factors are further emphasized by the fact that our country shares with Mexico a border which is 2,000 miles long.[41]

These facts illustrate the complex manner in which the relationship between Mexico and the United States is intertwined. At this historical moment the relationship remains unequal because of the vast economic differences between the two countries. Yet despite these differences, both countries are dependent upon each other for resources, commerce, technology and labor. Also, the unequal relationship is changing because of Mexico's oil reserves and its promising future. Given this, the United States should take a view towards Mexico which encompasses an understanding of how immigration from Mexico benefits her long term interests. Not only does Mexican immigration provide labor for American industries, but it also relieves pressure upon the Mexican economy and provides the Mexican government with more time to gather momentum for economic development.[42] The safety valve that immigration to the United States provides Mexico lessens the agitation for social change. Should the push for social change become too great it may ultimately threaten American investments and raise the possibility of a hostile government coming to power.

Within this context, the manner in which citizens of Mexico are treated in the United States assumes greater importance. It can serve to set the stage for the future

40. *U.S. Bureau of the Census: Statistical Abstracts of the United States* (1980).

41. Samora, Julian, *Los Mojados: The Wetback Story* (1971).

42. Fagan, *supra*, note 38.

relationship between the two countries. For the United States to desire only the fruits of Mexican labor without also assuming the responsibility for the health, education and welfare of Mexican immigrants is not only shortsighted but also harmful to the overall relations between the two countries. This is not a matter to be taken lightly.

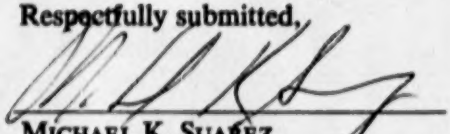
The Select Commission on Immigration devoted a section of its report to international issues regarding immigration to the United States. It recognized the high degree of interdependence in the global economy, and it urged the "expansion of bilateral consultations with other nations, especially with Mexico and other regional neighbors, to determine how migration pressures might be moderated to the *mutual benefit* of the United States and other members of the international community." Among others, it recommended that these consultations include discussions on mutual cooperation for the protection of nationals residing in each other's countries.[43]

43. Select Commission on Immigration and Refugee Policy, *U.S. Immigration Policy and the National Interest* 28-29 (1981) (emphasis added).

CONCLUSION

Wherefore, Amicus Curiae prays that this Court grant the relief requested by the Appellees by affirming the judgment of the Court of Appeals.
Dated October 28, 1981.

Respectfully submitted,



MICHAEL K. SUAREZ
JOSEFINA MUNIZ RENDON
Attorneys for Amicus Curiae